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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/813,515 | 03/20/2001 | Michael A. Angiulo | MICR0202 | 3251 |

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MICROSOFT CORPORATION
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EXAMINER

DETWILER, BRIAN J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2173

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,515

Applicant(s)

ANGIULO ET AL.

Examiner

Brian J. Detwiler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-29, 31-45 and 47-79 is/are rejected.
- 7) ☒ Claim(s) 14, 30 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Declaration

The declaration filed on 14 June 2004 under 37 CFR 1.131 is sufficient to overcome the Arles reference. A new non-final Office action is included herewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 10-13, 15-20, 22, 26-29, 31-36, 38, 42-45, and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by “Arles Image Web Page Creator 2.1” (hereinafter Arles).

Referring to claims 1, 18, and 34, the Arles reference discloses in Figures 1-12 and pages 1-15 a method, article of manufacture, and system for enabling a user to automatically introduce a plurality of thumbnail images into a Web page to represent a plurality of original images. In Figure 2 and pages 1 and 4, the Arles reference discloses enabling the user to select the plurality of original images. In Figure 6 and pages 1-4, the Arles reference discloses producing a thumbnail image for each original image. In Figures 4, 10, and 15 and page 7, the Arles reference discloses determining a position for each thumbnail image on the Web page in accord with a format specified by a template. In Figure 8 and page 14, the Arles reference discloses automatically providing a hyperlink from each thumbnail image to each corresponding original

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image. In Figures 2 and 6 and pages 1 and 3, the Arles reference discloses enabling the user to save the Web page including the plurality of thumbnail images and hyperlinks, wherein each thumbnail appears in the position specified by the template and selection of a thumbnail images causes activation of the hyperlink associated with the thumbnail image, which causes the corresponding original image to be retrieved for display.

Referring to claims 2-4, 19, 20, 35, and 36, the Arles reference teaches in Figures 4 and 10 and pages 7, 8, and 15 that users can create and save their own templates for defining formats for displaying the plurality of thumbnail images. Users can subsequently select from among the template files and generate web pages with the corresponding formats. Because users have full control over the design and customization of templates, the Arles software provides for the creation of montage templates.

Referring to claims 6, 22, and 38, the Arles reference discloses in Figure 3 that a default height and width of 100 is employed for each thumbnail image.

Referring to claims 10, 26, and 42, the Arles reference discloses in Figures 2 and 7 and pages 3 and 11 the ability to display a preview view of the created HTML pages to the user. The Arles reference further discloses in Figures 4, 9, and 10 and pages 7, 8, 10, 14, and 15 that users can highly customize and therefore edit the HTML pages.

Referring to claims 11, 27, and 43, the software disclosed by the Arles reference provides the user with the capability to freely change the selected template at any time and recreate the HTML pages based on the newly selected template. Subsequently, the user can preview the new HTML pages as discussed above or select a new template and repeat the process.

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Referring to claims 12, 28, and 44, the software disclosed by the Arles reference will generate thumbnails and include all images contained within the specified source folder.

Accordingly, a user can add or delete thumbnail images by simply adding or deleting the original images from the source folder and rebuilding the HTML pages.

Referring to claims 13, 29, and 45, the Arles reference discloses in Figure 4 the ability to add, delete, and modify thumbnail captions.

Referring to claims 15, 31, and 47, the Arles reference discloses in Figure 2 and pages 1 and 4 selecting a plurality of images to be represented as thumbnails from a source folder, which is a type of storage.

Referring to claims 16, 17, 32, 33, 48, and 49, the software disclosed by the Arles reference provides users with full control over the HTML design by allowing them to create and select templates. Said templates are simply HTML files comprising any of a number of features that could easily include links to other galleries via a navigation bar.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-9, 21, 23-25, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Arles Image Web Page Creator” as applied to claims 1, 18, and 34 above, and further in view of U.S. Patent No. 6,675,354 (Claussen et al).

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Referring to claims 5, 7-9, 21, 23-25, 37, and 39-41, the Arles reference discloses on page 1 that the software “creates high quality thumbnail images and generates HTML pages, complete with links to original images.” Figures 3 and 8 show thumbnail data and hyperlink data that is used to create the HTML pages. The thumbnail data, as illustrated in Figure 3, includes height and width attributes. Figure 4 illustrates the use of caption or title data for use with the thumbnails. The Arles reference, however, fails to disclose using the extensible stylesheet language (XSL) to generate said HTML pages. Claussen, though, explains in column 2: lines 2-8 that XSL is a well-known technology for generating and serving dynamic web page content. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XSL as taught by Claussen to generate the HTML pages from the Arles reference. Claussen explains in column 2: lines 5-8 that XSL allows for pure programming logic to be embedded inside a page’s markup, which advantageously increases design flexibility.

Allowable Subject Matter

Claims 14, 30, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In combination with the claimed subject matter, the prior art does not teach or fairly suggest enabling a user to drag and drop an image onto a web page being edited and subsequently automatically generate a thumbnail image for inclusion in the web page. The closest prior art,

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the Arles reference discussed above, teaches on page 6 enabling a user to drag and drop images within the image explorer.

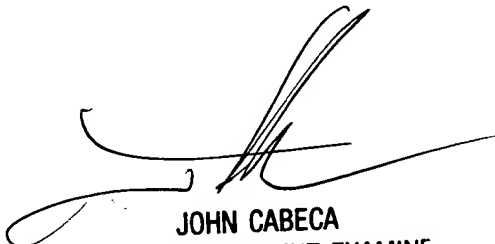
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd



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